

Application Number 10/828,453
Responsive to Office Action mailed March 2, 2007

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REMARKS

This Amendment is responsive to the Office Action dated March 2, 2007. Applicant has amended claims 1, 6, 12, 16, and 21. Claims 1-26 are pending.

Claim Rejection Under 35 U.S.C. § 103(a)

In the Office Action, claims 1, 3, 4, 6, 7, 10-13, 15, 16, 18, 19, 21, 22, 24 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wright et al. (U.S. Patent No. 6,416,857) in view of Shadle et al. (U.S. Patent No. 6,270,122). In addition, claims 2, 5, 8, 9, 14, 17, 20, 23 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wright et al. in view of Shadle et al. as applied to claims 1, 3, 4, 6, 7, 10-13, 15, 16, 18, 19, 21, 22, 24 and 26 above, and further in view of Mocilnikar et al. (U.S. Patent No. 5,346,259).

Applicant respectfully traverses the rejections to the extent such rejections may be considered applicable to the claims as amended. The applied references, even when combined, fail to disclose or suggest all of the elements defined by Applicant's claims.

For example, with reference to independent claims 1 and 16 as amended, the applied references lack any teaching that would have suggested a tamper indicating device including a flood coat defining a window and a mask in partial or whole registration with the window in the flood coat, where the mask is at least one of printed, colored, drawn, embossed or scratched on the tamper indicating device. With respect to independent claims 6, 12, and 21 as amended, the applied references lack any teaching that would have suggested an article that includes an object having secured information and a mask that obscures the secured information until the mask is at least partially removed from the tamper indicating device.

As the Office Action recognized, Wright et al. fails to disclose a tamper indicating device including a flood coat defining a window and a mask in partial or whole registration with the window in the flood coat.¹ The Office Action looked to Shadle et al. to cure this deficiency in Wright et al. According to the Office Action, Shadle et al. teaches an irreversible display having a flood coat defining a window and a mask in partial or whole registration with the window "for the purpose of having a display that temporarily obscur[es] predetermined indicia from view."²

¹ Office Action at page 3.

² *Id.* at page 4.

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The Office Action characterized the graphics layer 118 shown in FIG. 12 as a flood coat defining a window and a metal film 120 as a mask.³

Regardless of whether the graphics layer 118 of Shadle et al. is correctly characterized as a flood coat, an assertion with which Applicant does not agree, the metal film 120 is not a mask as recited by Applicant's claims 1 and 16. Applicant's claims 1 and 16 have been amended to clarify that a mask is at least one of printed, colored, drawn, embossed or scratched onto a tamper indicating device. Support for the amendments to claims 1 and 16 are found throughout Applicant's disclosure, including page 12, lines 6-13. Shadle et al. does not contemplate a mask that is printed, colored, drawn, embossed or scratched on the device. Rather, Shadle et al. only teaches a metal film that is "sputtered or vapor-deposited metal" or a self-supporting foil.⁴ In fact, Shadle et al. stresses that its displays "exploit features of thin metal films."⁵ Thus, Shadle et al. specifically requires the addition of a thin metal film to the devices. As a result, the combination of Wright et al. in view of Shadle et al. does not render Applicant's independent claims 1 or 16 obvious.

Shadle et al., alone or in combination with Wright et al., also fails to teach or suggest an article including an object having secured information and a mask that obscures the secured information until the mask is at least partially removed from the tamper indicating device, as recited by Applicant's amended independent claims 6, 12, and 21. Support for the amendments to claims 6, 12, and 21 are found throughout Applicant's disclosure, including page 10, lines 26-27.

While the metal film taught by Shadle et al. temporarily obscures indicia from view⁶, the metal film does not obscure the information until the metal film is at least partially removed from the Shadle et al. device, as required by Applicant's independent claims 6, 12, and 21. Instead, Shadle et al. states that, "[c]ontact between the metal film 120 and the clearing agent 126 clears the metal film 120 . . . revealing the underlying graphics layer 128."⁷ According to Shadle et al.,

³ *Id.*

⁴ Shadle et al. at col. 5, ll. 24-32.

⁵ *Id.* at col. 1, ll. 41-42.

⁶ *Id.* at col. 1, ll. 41-45.

⁷ *Id.* at col. 7, ll. 60-63.

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after contact with the clearing agent, the metal film becomes clear, thereby allowing the metal film to expose underlying indicia. Thus, the metal film of Shadle that becomes clear upon contact with a clearing agent cannot be a "mask" that obscures secured information until the mask is at least partially removed from the tamper indicating device as recited by Applicant's independent claims 6, 12, and 21. That is, rather opaque (prior to contacting the clearing agent) or in clear form (after contacting the clearing agent), the structure of the Shadle device does not teach or suggest a mask that obscures secured information until it is removed from the device.

In other words, the device taught by Shadle et al. operates on the principle that a thin metal film temporarily obscures predetermined indicia from view and subsequently reacts with a chemical to cause the metal film to clear and reveal the predetermined indicia.⁸ The entire premise of the Shadle et al. contradicts Applicant's independent claims 6, 12, and 21, which require a mask that obscures information until the mask is at least partially removed from the tamper indicating device, i.e., the mask obscures information the entire time the mask is applied to the device prior to removal. Shadle et al. does not contemplate separation of the graphics layer 118 and metal film 120. Instead, Shadle et al. teaches an irreversible display that remains in tact both before and after the device is manipulated to reveal information obscured by the metal film 120.⁹ In fact, the Shadle device requires that the device remain in tact since metal film 120 must contact the clearing agent in order to reveal the indicia. One skilled in the art would not modify the Shadle device to separate the metal film 120 from the graphics layer 118 in the Shadle et al. device because the metal film 120, and the ability of the metal film to contact with the clearing agent, appears to be necessary for viewing graphics layer 128. For example, FIGS. 12 and 13 of Shadle et al., which the Office Action relies on, teach that the metal film remains within a window in order to contact the clearing agent and expose the secured information.

Consequently, the Wright et al. tamper indicating device requires activation in a substantially different way the Shadle et al. irreversible display, and it is unclear how one skilled in the art would have combined the metal film 120 and graphics layer 118 with the Wright et al. device in order to arrive at Applicant's claimed invention. The Wright et al. tamper indicating device is activated by a force generated from attempting to remove the tamper indicating device

⁸ Shadle et al. at col. 1, ll. 42-50.

⁹ See, e.g., Shadle et al. at FIGS. 13 and 14.

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from an article, which Wright et al. refers to as a "peel force."¹⁰ On the other hand, the Shadle et al. device operates by displaying a graphics layer upon squeezing top and bottom substrates of an irreversible display together in order to move a metal film into contact with a clearing agent.¹¹ If the same "squeezing" force were applied to the Wright et al. device, the tamper indicating device would not activate and no internal delamination would occur.

Given the substantially different structure required for activation of the Wright et al. tamper indicating device and the Shadle et al. irreversible display, one skilled in the art would not have looked to combine Shadle et al. with Wright et al. This is especially true given the fact that the elements of the Shadle et al. device relied on by the Office Action, i.e., the metal film 120 and the graphics layer 118, appear to be essential to the activation by the "squeezing" force and Shadle et al. in no way contemplates incorporation of the metal film and the graphics layer into a device that is activated via a peel force.

Based on the evident deficiencies in Shadle et al. and Wright et al., the combination of Shadle et al. and Wright et al. does not teach or suggest the elements recited by Applicant's claims 1, 6, and 12. The other applied references fail to cure the deficiencies in Shadle et al. and Wright et al.

For at least these reasons, the Office Action fails to establish a prima facie case for non-patentability of Applicant's independent claims 1, 6, 12, 16, and 21 under 35 U.S.C. § 103(a). Claims 2-5 depend from claim 1, claims 7-11 depend from claim 6, claims 13-15 depend from claim 12, claims 17-20 depend from claim 16, and claims 22-26 depend from claim 21 and are allowable therewith. Withdrawal of the rejection of claims 1-26 under 35 U.S.C. § 103(a) is requested.

¹⁰ Col. 8, ll. 13-15.

¹¹ Col. 7, ll. 49-54; see also arrows 138 shown in FIG. 14.

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CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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By:

June 4, 2007

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